



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes JUDICIAL/LEGISLATIVE COMMITTEE

*Philip M. Goldstein, Chairperson  
Van Pearlberg  
Jim King*

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Wednesday, March 31, 2010

Fourth Floor Conference Room

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### Immediately following Parks, Recreation and Tourism Committee

**Presiding:** Philip M. Goldstein  
**Present:** Jim King and Van Pearlberg

***Also Present:***

*R. Steve Tumlin, Mayor  
Annette Lewis, Council - Ward 1  
Grif Chalfant, Council - Ward 2  
Johnny Sinclair, Council - Ward 3  
Rev. Anthony Coleman, Council - Ward 5  
William F. Bruton, Jr., City Manager  
Doug Haynie, City Attorney  
Stephanie Guy, City Clerk*

### CALL TO ORDER:

*Chairman Philip M. Goldstein called the meeting to order at 6:06 p.m., and immediately recessed. The meeting reconvened at 6:12 p.m.*

#### **20100345 Proposed changes to Code Section 10-4-150 - Theft by Shoplifting**

Motion to amend the City Code by the deletion of Code Section 10-4-150, Theft by Shoplifting, as it is an unnecessary duplication of existing authority under state laws.

**A motion was made by Council member Pearlberg, seconded by Council member King, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:**

**Vote: 3 - 0 - 0**

**Recommended for Approval - Consent Agenda**

#### **20100187 Manget**

Manget Revised Detailed Plan and final plat approval.

*Staff was directed to meet with the representative of the project to resolve outstanding issues and bring this matter back to the Council Work Session.*

**This matter was Referred to the Special Called Council Meeting (Work Session) a/k/a/ Committee of the Whole (COW)**

**20100347      Moratorium for Pain Clinics**

Motion approving a 90-day moratorium on issuing business licenses for pain management clinics.

**This matter was Referred to a SPECIAL CALLED CITY COUNCIL meeting to be held April 2, 2010.**

*The meeting was recessed at 7:57 p.m., and reconvened at 10:09 p.m.*

**MINUTES:****20100223      Regular Meeting - February 24, 2010**

Review and approval of the February 24, 2010 regular meeting minutes.

**A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Approved. The motion carried by the following vote:**

**Vote: 3 - 0 - 0                      Approved**

**BUSINESS:****20100336      Ethics Committee Proposal**

Motion approving the Ethics Committee proposal to change Code Section 1-14-2-060 as requested by Warren Herron, Chairman, as follows  
Except as provided in paragraph C, If any elected official has a conflict of interest or has an interest that he has reason to believe either violates this code of ethics or affects his or her official acts or actions in any matter prohibited, the elected official shall immediately leave the meeting room, if the meeting is not open to the public. If the meeting is open to the public, the elected official shall move to the area the general public occupies. The elected official may however participate at any meeting open to the general public as would any other person attending the meeting, except as provided in paragraph C. In the event of such conflict of interest, the elected official shall leave his or her regular seat as a member of the Marietta City Council, and not return to it until the deliberation and action on the matter is completed.

**A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:**

**Vote: 3 - 0 - 0                      Recommended for Approval - Consent Agenda**

**20100341 Clarke Library**

Motion approving advertising for a public hearing to adopt the Design Guidelines and Preservation Plan for the Clarke Library.

**A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:**

**Vote: 3 - 0 – 0 Recommended for Approval - Consent Agenda**

**20100342 Brumby Hall**

Motion approving advertising for a public hearing to adopt the Design Guidelines and Preservation Plan for Brumby Hall.

**A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:**

**Vote: 3 - 0 – 0 Recommended for Approval - Consent Agenda**

**20100343 Marietta Waterworks Building**

Motion approving advertising for a public hearing to adopt the Design Guidelines and Preservation Plan for the Marietta Waterworks Building.

**A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:**

**Vote: 3 - 0 – 0 Recommended for Approval - Consent Agenda**

**20100349 Code Enforcement Violations**

Motion approving the processing of code enforcement violations through the Marietta Municipal Court instead of City Council.

**A motion was made by Council member Pearlberg, seconded by Council member King, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:**

**Vote: 3 - 0 – 0 Recommended for Approval - Consent Agenda**

**20100081 Proposed Revisions to Section, 706 regarding non-conforming uses**

Discussion of proposed revisions to the nonconforming use regulations related to the requirement that a nonconforming building may not be rebuilt, altered or repaired if construction costs exceed 50% of its replacement costs.

**This matter was Tabled**

**20100385    Amendment to the Ethics Ordinance**

Consideration of an amendment to the Ethics Ordinance as requested by Council member Grif Chalfant.

**This matter was Tabled**

**ADJOURNMENT:**

*The meeting was adjourned at 11:22 p.m.*

**Respectfully submitted,**

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**Stephanie Guy, City Clerk**

**Approved:** \_\_\_\_\_